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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.    |
|--|-------------|----------------------|---------------------|---------------------|
| 10/792,296   | 03/04/2004  | Kazuhito Gassho      | Q80179              | 3148                |
| 72875  | 7590        | 04/23/2008           | EXAMINER            |                     |
| SUGHRUE MION, PLLC<br>2100 Pennsylvania Avenue, N.W.<br>Washington, DC 20037 |             |                      |                     | RODRIGUEZ, LENNIN R |
| ART UNIT   |             | PAPER NUMBER         |                     |                     |
|  |             | 2625                 |                     |                     |
| NOTIFICATION DATE  |             |                      | DELIVERY MODE       |                     |
| 04/23/2008   |             |                      | ELECTRONIC          |                     |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com  
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USPatDocketing@sughrue.com

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/792,296             | GASSHO ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | LENNIN R. RODRIGUEZ    | 2625                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 February 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-11 and 13-17 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-6,8-10 and 13-17 is/are rejected.

7) Claim(s) 7 and 11 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed on 2/19/2008 have been fully considered but they are not persuasive. Applicant's arguments regarding "Owen fails to teach anything regarding the manner in which the print log is updated; and fails to teach dividing the job into multiple sections "when the next job transmission timing comes before completion of the whole job" have been fully considered, in response "Tetsuro '091 discloses wherein said log storage control module stores a log relating to a job into said log storage module on completion of the whole job when a next job transmission timing does not come before completion of the job (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed), when the next job transmission timing comes before completion of the job (paragraph [0042], lines 2-4, where the timer starts communication at a certain time and paragraph [0043]).

Tetsuro '091 discloses all the subject matter as described above except while dividing a job into multiple sections and storing a log relating to the job into said log storage module on completion of every one divisional section of the job.

However, Owen '064 teaches while dividing a job into multiple sections (paragraph [0041], lines 1-5, where the job is being divided into different SETS) and storing a log relating to the job into said log storage module on completion of every one divisional section of the job (paragraph [0043], lines 19-28, where the print log is being updated every time a page is finished).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that while dividing a job into multiple sections and storing a log relating to the job into said log storage module on completion of every one divisional section of the job as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004])".

2. Drawing objection has been withdrawn in view of the received amendment.
3. Rejections under 35 U.S.C. 112 2<sup>nd</sup> paragraph are withdrawn in view of the received amendment.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 2-6, 8-10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama Tetsuro (JP 2001-243091, see applicant's submitted machine translation) in view of Owen et al. (US Publication 2004/0156064).

(1) regarding claims 2 and 13:

Tetsuro '091 discloses a log transmission device that transmits a log to a management server at every preset log transmission timing, said log transmission device comprising:

a log storage control module (database 925) that stores a log generated after a previous log transmission timing into a log storage module (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed);

a log transmission timing specification module that determines whether a current time is a log transmission timing (paragraph [0042], lines 2-3); and

a log transmission control module (924 timer) that, when said log transmission timing specification module determines that the current time is a log transmission timing, sends the log stored in said log storage module to the management server (paragraph [0042], lines 13-14),

wherein said log storage control module stores a log relating to a job into said log storage module on completion of the whole job when a next job transmission timing does not come before completion of the job (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed), when the next job transmission timing comes before completion of the job (paragraph [0042], lines 2-4, where the timer starts communication at a certain time and paragraph [0043]).

Tetsuro '091 discloses all the subject matter as described above except while dividing a job into multiple sections and storing a log relating to the job into said log storage module on completion of every one divisional section of the job.

However, Owen '064 teaches while dividing a job into multiple sections (paragraph [0041], lines 1-5, where the job is being divided into different SETS) and storing a log relating to the job into said log storage module on completion of every one

divisional section of the job (paragraph [0043], lines 19-28, where the print log is being updated every time a page is finished).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that while dividing a job into multiple sections and storing a log relating to the job into said log storage module on completion of every one divisional section of the job as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004]).

(2) regarding claims 3 and 14:

Tetsuro '091 further discloses wherein said log storage control module determines whether an expected end time of a job estimated according to contents of the job comes to or after the next log transmission timing, in order to determine whether the next job transmission timing comes before completion of the job (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed, thus the system knows if it is before the job is completely done).

(3) regarding claims 4, 6 and 15:

Tetsuro '091 further discloses wherein said log storage control module determines whether an execution start time of a job is within a preset approaching range, which is close to the next log transmission timing, in order to determine whether the next job transmission timing comes before completion of the job (paragraph [0042], lines 10-14, where it holds until a specified amount of time passed, thus the system knows if it is before the job is completely done, where "preset approaching range is interpreted a predetermined time").

(4) regarding claims 5 and 16:

Tetsuro '091 further discloses wherein said log storage control module stores a log relating to a print job into said log storage module on completion of the whole print job when a next job transmission timing does not come before completion of the print job (paragraph [0042], lines 10-14, when the next job transmission timing comes before completion of the print job (paragraph [0042], lines 2-4, where the timer starts communication at a certain time)).

Tetsuro '091 discloses all the subject matter as described above except where it holds until a specified amount of time passed, while storing a log relating to a print job into said log storage module on completion of every one page included in the print job.

However, Owen '064 teaches where it holds until a specified amount of time passed, while storing a log relating to a print job into said log storage module on completion of every one page included in the print job (paragraph [0043], lines 19-28, where the print log is being updated every time a page is finished).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made where it holds until a specified amount of time passed, while storing a log relating to a print job into said log storage module on completion of every one page included in the print job as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004]).

(5) regarding claim 8:

Tetsuro '091 discloses all the subject matter as described above except said log transmission device being mounted on a network printer.

However, Owen '064 teaches said log transmission device being mounted on a network printer (paragraph [0050], lines 1-9 and Fig. 7, where the transmission of the logs is being performed from the printer).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that said log transmission device being mounted on a network printer as taught by Owen '064 in the system of Tetsuro '091. With this the system can increase the speed at which the print job can be printed (paragraph [0004]).

(6) regarding claim 9:

Tetsuro '091 further discloses said log transmission device being mounted on a network computer that outputs a printing instruction to a printer (paragraph [0042], lines 1-2, where it specifically says that the log is transmitted from the computer).

(7) regarding claims 10 and 17:

Tetsuro '091 further discloses wherein the log includes job identification information for identifying a job related to the log (paragraph [0043], lines 6-9, where each job has an ID).

### ***Allowable Subject Matter***

6. Claims 7 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to disclose wherein said log storage control module determines whether an expected end time of a print job estimated according to a paper size and a number of pages to be printed in the print job comes to or after the next log transmission timing, in order to determine whether the next job transmission timing comes before completion of the print job; and wherein said log transmission control module sends the log to a management server, which evaluates validity of a contract made by a dealer with a registered user to permit the use of multiple apparatuses with said log transmission device mounted thereon for a predetermined time period at a flat rate.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENNIN R. RODRIGUEZ whose telephone number is (571)270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

/Lennin R Rodriguez/  
Examiner, Art Unit 2625